CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Ms. MURKOWSKI). Morning business is now closed.

USA PATRIOT ACT ADDITIONAL REAUTHORIZING AMENDMENTS ACT OF 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2271, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2271) to clarify that individuals who receive FISA orders can challenge nondisclosure requirements, that individuals who receive national security letters are not required to disclose the name of their attorney, that libraries are not wire or electronic communication service providers unless they provide specific services, and for other purposes.

Pending:

Frist amendment No. 2895, to establish the enactment date of the Act.

Frist amendment No. 2896 (to amendment No. 2895), of a perfecting nature.

PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Madam President, as we begin the debate and discussion on the USA PATRIOT Act, I urge my colleagues to invoke cloture to cut off debate tomorrow when the vote is scheduled at 2:30, and then proceed to pass the PATRIOT Act.

The PATRIOT Act was passed by the Congress and signed into law by the President shortly after September 11, 2001, to provide additional tools for law enforcement, and it was reviewed extensively by the Committee on the Judiciary, which I chair, last year; and the Judiciary Committee came out with a unanimous report, with all 18 members on the committee concurring in the final product.

We considered this a unique, if not remarkable event, considering that our Judiciary Committee has people at all positions on the political spectrum. So to have unanimous agreement was, we thought, quite an accomplishment. When the matter came to the floor of the Senate, it was passed by unanimous consent, which again was unique, if not remarkable, in that on a matter as complex and controversial as the PATRIOT Act all of the Senators were in agreement that it should be enacted.

We then went to conference with the House of Representatives and, as expected, the House had different views than what the Senate had in mind. But we worked through in a collegial way with Chairman SENSENBRENNER and others on the House side and came to a conference report which we submitted to the Senate.

We fell short of having enough votes to impose cloture when objections were reached to a number of provisions which had been included in the conference report.

There have since been some changes made in the legislation which is pending before the Senate. I compliment my colleagues, Senator SUNUNU, Senator CRAIG, Senator MURKOWSKI, who is presiding today, and Senator HAGEL, for a number of additions which led those four Republican Senators who had not voted for cloture to find the PATRIOT Act acceptable, taking the conference report and making these additions.

It is our expectation that there will be a number of Democrats, I think most of whom oppose cloture, so we have an expectation of receiving 60 votes tomorrow to be able to move the bill ahead.

The changes which were made as a result of these modifications provide for explicit judicial review of a section 215 nondisclosure order, a provision to remove from the conference report the requirement that a person inform the FBI of the identity of an attorney to whom disclosure was made or will be made to obtain legal advice or legal assistance with respect to a national security letter, and an additional provision to clarify current law that libraries that have been functioning in their traditional roles, including providing Internet access, are not subject to section 2709 national security letters.

These changes were, in my opinion, not major but helpful in the sense they have satisfied a number of Senators, I think, and are very constructive and enable us to move forward, which I expect will enable us to obtain cloture.

With the revised bill which is now before the Senate for a cloture vote tomorrow, it is my hope my colleagues will cut off debate, invoke cloture, and let us move ahead to the passage of the PATRIOT Act. It is not a bill to my precise satisfaction, but in the Congress of the united States, we reach accommodations and we reach compromises. My preference would have been to have the Senate bill enacted, but there were significant concessions made on both sides, especially by the House of Representatives, in agreeing to a 4-year sunset provision.

What I intend to do tomorrow is to propose additional legislation in this field which would take the current bill with the improvements made by Senator SUNUNU and his group and add a number of additional safeguards on civil liberties which will improve the bill even further, in my opinion, and to consider that on additional legislation in the Senate.

In so doing, I fully realize we will have to go through the legislative process. We will have hearings in the Judiciary Committee. We will make this the subject of oversight on what the law enforcement officials, specifically the FBI, will be doing, and we will ultimately, hopefully, report out of the Judiciary Committee a bill with the provisions which I am now about to enumerate which will, if successful in conference and to be signed by the President into law, return the bill to its form which passed the Judiciary Committee unanimously last year and passed the Senate unanimously.

The provisions in the bill which I will introduce tomorrow—I wanted to give my colleagues notice of what I intend to do—would be a provision, first, on the notice on search warrants to require that the target receive notification of the execution of a delayed notice search warrant within 7 days as the Senate-passed PATRIOT Act provided. The conference report provides for notice within 30 days, which was a significant compromise when the House of Representatives moved from 180 days to 30 days and the Senate moved from 7 days to 30 days, but it continues to be my view that the 7-day requirement is the best requirement.

The bill will further provide that section 215 will have the Senate-passed three-part test which will require a statement of facts accompanying an application to show that the records sought, first, pertained to a foreign power or an agent of a foreign power, second, relevant to the activities of a suspected agent of a foreign power who is the subject of an authorized investigation, or three, pertain to an individual in contact with a suspected agent of a foreign power.

I will put in the RECORD a memo detailing the differences between the Senate bill and the House bill and the conference report.

This provision goes to the heart of strenuous objections raised by people who filibustered the bill who objected to a fourth provision which gave the judge discretion to allow for a court order if there were a terrorism investigation involved generally which did not have one of this three-part test.

My view is that the three-part test is decisively preferable, although I do think in the spirit of compromise on our bicameral legislation, having the discretion of the judge to authorize the order if he found it warranted in light of the terrorism investigation was acceptable. This is preferable, and this will be included in the new bill to be introduced.

A third change will provide for judicial review of national security letters to eliminate the conclusive presumption in the conference report on the national security letter provision. The bill removes the ability of the Government to prevent judicial review of the nondisclosure requirement if it certifies in good faith that ''disclosure may endanger the national security of the United States or interfere with diplomatic relations.''

This provision in the conference report was identical with what passed the Judiciary Committee unanimously and was adopted unanimously by the Senate. Those who have objected to this conclusive presumption say it was overlooked and that on further consideration they objected to it.

Upon additional analysis, it is my view this conclusive presumption is better out of the report, which gives the court the discretion to allow for the judicial review of these national security letters.

A fourth provision involves judicial review of the section 215 order nondisclosure requirement and it eliminates the mandatory 1-year waiting period for judicial review of nondisclosure requirement on 215 orders. The additions by Senator SUNUNU and his colleagues provide for a 1-year waiting period. My own view is it is preferable there not be a waiting period at all, that the court have the discretion to enter the orders immediately if it finds cause to do so.

The fifth provision of the legislation which I intend to introduce tomorrow adds a 4-year sunset to the national security letter with authorities created in the conference report so that the bill provides that on December 31, 2009, the law governing national security letters will be returned to what it was in February of the year 2006.

Here again we have a situation where the PATRIOT Act did not deal with national security letters, but this, again, is a tightening up of the bill to provide additional safeguards for civil liberties.

So what we have here, in essence, is the Senate bill which passed the committee unanimously and the Senate unanimously was then modified by a conference report which, to repeat—I don't like to do it, but it is worth a summary—I found acceptable; not as good as the Senate bill but acceptable. Then we have these three provisions added by Senator SUNUNU and his group—again giving them credit—which has made it acceptable to those four Republican Senators and I believe enough Democrats to get the 60 votes, perhaps additional votes, to be able to submit the bill to the House of Representatives for its consideration and, hopefully, ultimate passage to be signed by the President, which is an acceptable bill; again, not as good as the Senate bill but acceptable.

I want my colleagues who oppose the bill in the form submitted for cloture tomorrow to know that if the issue is not concluded, I will be introducing legislation which will bring back the original Senate bill with some additional improvements, and between now and tomorrow, we will be soliciting cosponsors to see if others will choose to support this bill which, as I say, returns the essentials of the Senate bill with some improvements. The commitment is made in my capacity as chairman that we will proceed to have oversight hearings, that the Director of the FBI is due in on March 29. He will be questioned about these specific provisions, asked for justification for the more restrictive provisions which are in the conference report, plus the provisions by Senator SUNUNU and his colleagues, and there will be continuing oversight in the interim.

We will have hearings on the legislation which I intend to introduce tomorrow, looking toward the prospect of ultimately passing it, if it is passed by the Senate and if it is submitted to the House in conference and that turns out to be the bicameral will of the two bodies.

I do believe that where we are now with the conference report and the additions, we have an acceptable bill—not as good as it could be—and we will attempt to perfect it even more as I have outlined.

I ask unanimous consent that a copy of the legislation which I intend to introduce tomorrow be printed in the RECORD so my colleagues can see it, together with the memorandum which I described in the course of my discussion.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. ____

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LIMITATION ON REASONABLE PERIOD FOR DELAY.

Section 3103a(b)(3) of title 18, United States Code, is amended by striking ''30 days'' and inserting ''7 days''.

SEC. 2. JUDICIAL REVIEW OF FISA ORDERS AND NATIONAL SECURITY LETTERS.

(a) FISA.—Subsection (f) of section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) is amended by striking paragraphs (2) and (3) and inserting the following:

''(2)(A) A person receiving an order under this section may challenge the legality of that order, including any prohibition on disclosure, by filing a petition with the pool established by section 103(e)(1).

''(B) The presiding judge shall immediately assign a petition submitted under subparagraph (A) to 1 of the judges serving in the pool established by section 103(e)(1).

''(C)(i) Not later than 72 hours after the assignment of a petition under subparagraph (B), the assigned judge shall conduct an initial review of the petition.

''(ii) If the assigned judge determines under clause (i) that—

''(I) the petition is frivolous, the assigned judge shall immediately deny the petition and affirm the order; or

''(II) the petition is not frivolous, the assigned judge shall promptly consider the petition in accordance with the procedures established pursuant to section 103(e)(2).

''(D)(i) The assigned judge may modify or set aside the order only if the judge finds that there is no reason to believe that disclosure may endanger the national security of the United States, interfere with a criminal, counterterrorism, or counterintelligence investigation, interfere with diplomatic relations, or endanger the life or physical safety of any person. If the judge does not modify or set aside the order, the judge shall immediately affirm the order and order the recipient to comply therewith. The assigned judge shall promptly provide a written statement for the record of the reasons for any determination under this paragraph.

''(ii) If the judge denies a petition to modify or set aside a nondisclosure order, the recipient of such order shall be precluded for a period of 1 year from filing another such petition with respect to such nondisclosure order.

''(3) A petition for review of a decision to affirm, modify, or set aside an order, including any prohibition on disclosure, by the United States or any person receiving such order shall be to the court of review established under section 103(b), which shall have jurisdiction to consider such petitions. The court of review shall provide for the record a written statement of the reasons for its decision and, on petition of the United States or any person receiving such order for writ of certiorari, the record shall be transmitted under seal to the Supreme Court, which shall have jurisdiction to review such decision.''.

(b) JUDICIAL REVIEW OF NATIONAL SECURITY LETTERS.—Section 3511(b) of title 18, United States Code, is amended—

(1) in paragraph (2), by striking ''If, at the time of the petition,'' and all that follows through the end of the paragraph; and

(2) in paragraph (3), by striking ''If the recertification that disclosure may'' and all that follows through ''made in bad faith.''.

SEC. 3. FACTUAL BASIS FOR REQUESTED ORDER.

Section 501(b)(2)(A) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(b)(2)(A)) is amended to read as follows:

''(A) a statement of facts showing that there are reasonable grounds to believe that the records or other things sought—

''(i) are relevant to an authorized investigation (other than a threat assessment) conducted in accordance with subsection (a)(2) to obtain foreign intelligence information not concerning a United States person or to protect against international terrorism or clandestine intelligence activities; and

''(ii) either—

''(I) pertain to a foreign power or an agent of a foreign power;

''(II) are relevant to the activities of a suspected agent of a foreign power who is the subject of such authorized investigation; or

''(III) pertain to an individual in contact with, or known to, a suspected agent of a foreign power; and''.

SEC. 4. NATIONAL SECURITY LETTER SUNSET.

Section 102 of the USA PATRIOT Improvement and Reauthorization Act of 2005 (H.R. 3199, 109th Congress, 2d Session) is amended by adding at the end the following:

''(c) OTHER SUNSETS.—

''(1) IN GENERAL.—Effective December 31, 2009, the following provisions are amended so that they read as they read on February 27, 2006:

''(A) Section 2709 of title 18, United States Code.

''(B) Sections 626 and 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u, 1681v).

''(C) Section 1114 of the Right to Financial Privacy Act (12 U.S.C. 3414).

''(2) EXCEPTION.—With respect to any particular foreign intelligence investigation that began before the date on which the provisions referred to in paragraph (1) cease to have effect, or with respect to any particular offense or potential offense that began or occurred before the date on which such provisions cease to have effect, such provisions shall continue in effect.''.

SEC. 5. RULE OF CONSTRUCTION.

Amendments to provisions of law made by this Act are to such provisions, as amended by the USA PATRIOT Improvement and Reauthorization Act of 2005 (H.R. 3199, 109th Congress, 2d Session) and by the USA PATRIOT Act Additional Reauthorizing Amendments Act of 2006 (S. 2271, 109th Congress, 2d Session).

____

To: SENATOR SPECTER
From: SJC Crime Unit
Subject: Amendments to PATRIOT Act Authorities
Date: February 27, 2006

Per your request, your staff has drafted a stand alone bill that will address the most significant outstanding concerns of Senator Feingold, Senator Leahy and yourself (as well as the other proponents of the SAFE Act) regarding the PATRIOT Act Reauthorization Conference Report. The bill is based, in part, on the amendments that Senator Feingold attempted to introduce during the PATRIOT Act debates of the week of February 13, 2006. Your bill will accomplish the following:

Delayed Notice Search Warrants: Requires that the target receive notification of the execution of a delayed notice search warrant within 7 days, as did the Senate passed PATRIOT Act. The Conference Report provides for notice within 30 days as a compromise with the House, which passed an 180–day delay in its bill.

Section 215: Implements the Senate-passed ''three-part test'' to obtain a section 215 order. Thus, the bill will require the statement of facts accompanying an application to show that the records sought: (1) pertain to a foreign power or an agent of a foreign power; (2) are relevant to the activities of a suspected agent of a foreign power who is the subject of an authorized investigation, or (3) pertain to an individual in contact with a suspected agent of a foreign power. A memo detailing the differences between the Senate bill, the House bill, and the Conference Report is attached.

Judicial Review of National Security Letters: Eliminates the ''conclusive presumption'' in the Conference Report's NSL provision. The bill removes the ability of the government to prevent judicial review of the nondisclosure requirement if it certifies, in good faith, that ''disclosure may endanger the national security of the United States or interfere with diplomatic relations.''

Judicial Review of Section 215 order nondisclosure requirement: Eliminates the conclusive presumption and the mandatory one-year waiting period for judicial review of the non-disclosure requirement on 215 orders.

Sunsets on National Security Letters: Adds a four-year sunset to the National Security Letter authorities created in the Conference Report. Thus, the bill provides that on December 31, 2009, the law governing NSL's will be returned to what it was in February 2006.

Mr. SPECTER. Madam President, in the absence of any Senator on the floor seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. BURR). Without objection, it is so ordered.

Ms. MURKOWSKI. Mr. President, I come to the floor to comment on the reauthorization of the PATRIOT Act and to voice my support for the PATRIOT Act.

I also want to take a few moments to compliment my colleagues, Senator SUNUNU and Senator CRAIG, for their very hard work over the course of these last few weeks making these amendments possible.

I also want to recognize Senators HAGEL, DURBIN, SALAZAR, and FEINGOLD for the bipartisan approach which we were able to take in addressing this issue.

I know the changes that were agreed to do not address all of the concerns of the Senator from Wisconsin before we went on recess, nor do they address all of my concerns. But I want to make sure that the Senator is aware of how much I appreciate his leadership on this issue.

There are a number of Members within this body who did not share our opposition to the conference report when it was first reported out, and there are many, on the hand, who would have liked to have seen the conference report expand the powers granted to the executive branch under the PATRIOT Act. That is certainly their prerogative and their right to advocate that position. It is not a position I agree with, unless we have adequate safeguards that can be put in place to provide a reasonable level of judicial oversight.

I want to be clear on a couple of points regarding my earlier opposition to the conference report.

First, it is not my desire to repeal the PATRIOT Act in its entirety nor to allow the authorization provided in the 16 provisions we are considering to expire.

If that was my intent, if that is what I had hoped to do, it would have been a pretty simple task to object to any language coming out of the conference—to have objected to the language that unanimously passed the Senate in July. But that wasn't the case. Those of us who voiced objection to the earlier draft of the conference report just didn't say: No, we don't like it. We didn't say that. We didn't say that we opposed it entirely. We said we offered up the specific examples of changes to the conference report that we needed to see in order to support it. It was truly our desire to improve the conference report—not to kill it.

I commend the chairman of the Senate Judiciary Committee, Senator SPECTER, who was on the floor earlier, for his efforts to represent the views which we had expressed in conference. The senior Senator from Pennsylvania clearly hasn't had much time to take a breather lately, but he was a tough negotiator. He was able to squeeze some additional changes out of the conferees, most notably the shorter sunshine timeframe for section 216, roving wiretaps, and the lone-wolf provision.

Unfortunately, the House and the administration refused to consider our other concerns.

There have been some who have asked me: You got the sunset provisions. Wasn't that the primary issue? Why the continued opposition?

For some, the sunset provisions were the primary issue. But that was not necessarily the case for our group, and that was not necessarily my primary concern.

When we introduced the SAFE Act last April—that is the legislation which was sponsored by Senators CRAIG and DURBIN and cosponsored by many of us—the SAFE Act did not contain any sunsets. We were prepared to make permanent each of the 16 provisions in question today.

What we were seeking, instead, was language that would create a level of judicial review and public disclosure that would head off any potential abuse and unnecessary infringement on individual freedoms.

Now, it has been said by some that those seeking changes to the PATRIOT Act have not been able to point to any case of abuse to support their cause. And that may be the case. But do we have to wait for that abuse to happen? I would prefer we put safeguards in place now, not afterwards, safeguards that continue to allow our law enforcement and intelligence officers to obtain the information they need for the security of our Nation.

Now, in particular, I was, and I remain, concerned about the presumed relevance standard under a section 215 order. With the increased power under the PATRIOT Act to obtain ''any tangible item'' from any entity, it would also seem appropriate that the government have a greater responsibility to demonstrate its rationale for seeking those terms. While the conference report improves upon the current statute py requiring in most cases some connection or contact with a foreign power or an agent of a foreign power, I am concerned the presumed relevance language significantly diminishes the judicial oversight the Senate-passed bill provided.

While I remain concerned about this standard, I am pleased that what has been agreed to is the explicit judicial review of a section 215 gag order—a right that previously was not clearly available to recipients. Now, this does not address all of my section 215 concerns. I do have more. But it does remain an improvement over the conference report and over current law.

I was also pleased that language was agreed to that permits a national security letter to be served on a library only if that library is acting as a wire or electronic communications service provider. I have noticed some have been critical of the language that is included in this amendments act, saying: Well, you still have the ability to go after the libraries. But, again, I will stress, it permits a national security letter to be served on a library only if that library is acting as a wire or electronic communications service provider. So the fact they may happen to offer their library patrons the use of the Internet does not make them a wire or electronic communications service provider. This language that is incorporated in the amendments act was part of legislation I had introduced in 2003 in an effort to modify the PATRIOT Act. I believe it is an important protection for our Nation's libraries.

I know this is not the last debate we will have on the PATRIOT Act, nor is it likely the last piece of legislation we will consider on the subject. Some of the provisions we see—the continued sunset provisions for section 215, the roving wiretaps, and the lone wolf provision—assure us of that. But earlier, about a half an hour ago, on the floor, the chairman of the Judiciary Committee came to the floor and spoke of legislation he will be introducing tomorrow.

As I was listening to the chairman—and I obviously have not looked at the legislation as of yet, but I understand

from his comments it is essentially his purpose with this legislation to go back to the language we had in that legislation that passed unanimously out of the Senate Judiciary Committee and passed unanimously out of this body—provisions he has detailed as they relate to search warrants, the strengthening of section 215, a 4-year sunset on NSLs, and NSL judicial review. So I will anxiously await the opportunity to review that legislation Chairman SPECTER has indicated just this afternoon will be available to us.

I am encouraged, once again, we will be able to look at those areas where I and others have been very concerned that we have not provided adequately for that balance between providing our law enforcement the tools they need while, at the same time, maintaining the individual liberties we as Americans expect and certainly deserve. So, as I indicated, I look forward to reviewing that legislation.

But the legislation we are considering today—the conference report—I believe has made improvements on the original product of the PATRIOT Act, and so with passage of the additional protections, it is my intention to vote for cloture on the PATRIOT Act reauthorization bill.

Mr. LEAHY. Mr. President, the Republican leadership has made a mistake and is abusing its power by choking off debate on this important bill. Regrettably the majority leader has chosen to prevent any effort to offer amendments to the bill and has effectively stifled open debate. While I voted to proceed to consideration of the bill, I do not condone the Republican leadership's current abuse.

I have filed an amendment that would improve the bill by correcting one of the most egregious ''police state'' provisions regarding gag orders. The Bush-Cheney administration used the last round of discussions with Republican Senators to make the gag order provisions worse, in my view, by forbidding any court challenge for 1 year. The conference report places no similar restriction on recipients of national security letters, and there is no justification for its inclusion here.

In addition, the bill continues and cements into law procedures that, in my view, unfairly determine legitimate challenges to gag orders. It allows the Government to ensure itself of victory by certifying that, in its view, disclosure ''may'' endanger national security or ''may'' interfere with diplomatic relations. Unless the Government is acting in bad faith, the court must accept the certification as conclusive and must rule in favor of the Government.

This is the type of provision to which I have never agreed. The conference report uses identical language in connection with NSL gag orders, and I resisted it in that context. I agreed with Senator SUNUNU, who said in December that it would prevent meaningful judicial review because NSL recipients would never be able to show bad faith on the part of the Federal Government. Senator SPECTER has also been critical of this provision.

My amendment would have corrected these unnecessary excesses. It struck both the 1-year waiting period for challenging a gag order and the ''conclusive presumption'' in favor of the Government. These changes are simple but they are essential if we are to avoid creating rigged procedures where the Government always wins, regardless of the merits.

By its abuse of the rules, the Republican leadership is preventing any opportunity to correct these matters. That is wrong. The Senate may have accepted or rejected my effort to remove this un-American restraint on meaningful judicial review of gag orders, but I should have had the opportunity to offer it.

In the weeks following 9/11, some of us worked hard in cooperation with the Bush-Cheney administration on what came to be the USA PATRIOT Act. I remind the current Republican leadership that even then, in those extraordinary times, we allowed Senators to offer amendments. We took difficult votes. I would have liked to have supported some of those amendments but, in my role as the chair of the Judiciary Committee, I felt that I could not at that time. But I did not and the majority leader, Senator DASCHLE, did not fill the amendment ''tree'' with sham amendments. Instead, we worked out an agreement to proceed with amendments and votes on those amendments.

In 2001, I fought for time to provide some balance to Attorney General Ashcroft's demands that the Bush-Cheney administration's antiterrorism bill be enacted in a week. We worked hard for 6 weeks to make that bill better and were able to include the sunset provisions that contributed to reconsideration of several provisions over the last several months. Last year I worked with Chairman SPECTER and all the members of the Judiciary Committee and the Senate to pass a reauthorization bill in July. As we proceeded in House-Senate conference on the measure, the Bush-Cheney administration and congressional Republicans locked Democratic conferees out of their deliberations and wrote the final bill. That was wrong.

Last December, working with a bipartisan group of Senators, we were able to urge reconsideration of that final bill. Senators SUNUNU and CRAIG were able to use that opportunity to make some improvements. I commend them for what they were able to achieve and hope that my support for their efforts has been helpful. I wish that along the way the Bush-Cheney administration had shown interest in working together to get to the best law we could for the American people.

Since the House-Senate conference was hijacked, I have tried to get this measure back on the right track. We have been able to achieve some improvements. I regret that this bill is not better and that the intransigence of the Bush-Cheney administration has prevented a better balance and better protections for the American people. Just as I worked for an opportunity for Senator SUNUNU to seek improvements to the conference report, I will now vote against these unfair efforts to forestall any amendments to this measure. I remain committed to working to provide the tools that we need to protect the American people. That includes working to provide the oversight and checks needed on the uses of Government power and to improve the reauthorization of the PATRIOT Act.

In light of the abuse being perpetrated by the Republican leadership, I will vote against their stifling of meaningful debate and their obstruction of efforts to improve the bill, the conference report and the PATRIOT Act. I will vote against cloture on the bill without any opportunity to offer amendments. I urge the Republican leadership to reconsider its actions and allow a few amendments to be offered to the bill so that we can seek to improve it before final passage by the Senate.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

BLACK HISTORY MONTH

Mr. DURBIN. Today, I would like to take the opportunity to honor the contributions of African Americans, particularly since this year marks the 80th anniversary of historian and scholar Carter G. Woodson's launch of Negro History Week in 1926. Since then, the contributions of African Americans to American history have been recognized and celebrated, and February has been designated ''Black History Month.''

I especially want to pay tribute to Mrs. Rosa Parks and Mrs. Coretta Scott King, the mother and the first lady, respectively, of the modern civil rights movement, who inspired ordinary African Americans to demand equal rights as American citizens. Their recent deaths remind us, during this month in particular, to take the time to reflect on the vital heritage and important contributions of African Americans.